

(1) IN GENERAL.—Chapter 38 of title 31, United States Code, is amended—

(A) in section 3801(a)(7)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B)(vii), by adding “or” at the end; and

(iii) by adding at the end the following:

“(C) a member of the board of contract appeals pursuant to section 7105 of title 41, if the authority does not employ an available presiding officer under subparagraph (A);”; and

(B) in section 3803(d)(2)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B)—

(I) by striking “the presiding” and inserting “(1) in the case of a referral to a presiding officer described in subparagraph (A) or (B) of section 3801(a)(7), the presiding”; and

(II) in clause (i), as so designated, by adding “or” at the end; and

(III) by adding at the end the following:

“(ii) in the case of a referral to a presiding officer described in subparagraph (C) of section 3801(a)(7)—

“(I) the reviewing official shall submit a copy of the notice required by under paragraph (1) and of the response of the person receiving such notice requesting a hearing—

“(aa) to the board of contract appeals that has jurisdiction over matters arising from the agency of the reviewing official pursuant to section 7105(e)(1) of title 41; or

“(bb) if the Chair of the board of contract appeals declines to accept the referral, to any other board of contract appeals; and

“(II) the reviewing official shall simultaneously mail, by registered or certified mail, or shall deliver, notice to the person alleged to be liable under section 3802 that the referral has been made to an agency board of contract appeals with an explanation as to where the person may obtain the relevant rules of procedure promulgated by the board.”; and

(iii) by adding at the end the following:

“(C) in the case of a hearing conducted by a presiding officer described in subparagraph (C) of section 3801(a)(7)—

“(i) the presiding officer shall conduct the hearing according to the rules and procedures promulgated by the board of contract appeals; and

“(ii) the hearing shall not be subject to the provisions in subsection (g)(2), (h), or (i).”.

(2) AGENCY BOARDS.—Section 7105(e) of title 41, United States Code, is amended—

(A) in paragraph (1), by adding at the end the following:

“(E) ADMINISTRATIVE FALSE CLAIMS ACT.—

“(i) IN GENERAL.—The boards described in subparagraphs (B), (C), and (D) shall have jurisdiction to hear any case referred to a board of contract appeals under section 3803(d) of title 31.

“(ii) DECLINING REFERRAL.—If the Chair of a board described in subparagraph (B), (C), or (D) determines that accepting a case under clause (i) would prevent adequate consideration of other cases being handled by the board, the Chair may decline to accept the referral.”; and

(B) in paragraph (2), by inserting “or, in the event that a case is filed under chapter 38 of title 31, any relief that would be available to a litigant under that chapter” before the period at the end.

(3) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, each authority head, as defined in section 3801 of title 31, United States Code, and each board of contract appeals of a board described in subparagraphs (B), (C), and (D) of section 7105(e) of title 41, United States Code, shall amend procedures regarding proceedings as

necessary to implement the amendments made by this subsection.

(h) REVISION OF LIMITATIONS.—Section 3808 of title 31, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) A notice to the person alleged to be liable with respect to a claim or statement shall be mailed or delivered in accordance with section 3803(d)(1) of this title not later than the later of—

“(1) 6 years after the date on which the violation of section 3802 of this title is committed; or

“(2) 3 years after the date on which facts material to the action are known or reasonably should have been known by the authority head, but in no event more than 10 years after the date on which the violation is committed.”.

(i) DEFINITIONS.—Section 3801 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking “and” at the end;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(10) ‘material’ has the meaning given the term in section 3729(b) of this title; and

“(11) ‘obligation’ has the meaning given the term in section 3729(b) of this title.”; and

(2) by adding at the end the following:

“(d) For purposes of subsection (a)(10), materiality shall be determined in the same manner as under section 3729 of this title.”.

(j) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date of enactment of this Act, each authority head, as defined in section 3801 of title 31, United States Code, shall—

(1) promulgate regulations and procedures to carry out this subtitle and the amendments made by this subtitle; and

(2) review and update existing regulations and procedures of the authority to ensure compliance with this subtitle and the amendments made by this subtitle.

SA 2436. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 27005. REPORT ON CERTAIN USES OF FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT PROVIDED FUNDS.—The term “Department provided funds” means—

(A) amounts provided by the Department as financial assistance or pursuant to a financial assistance agreement; and

(B) amounts provided by the Department to any employee of the Department, including wages, benefits, and any other compensation.

(2) FINANCIAL ASSISTANCE.—The term “financial assistance” includes grants, subgrants, contracts, cooperative agreements, and any other form of financial assistance.

(3) REPORTABLE NONWORKING TIME.—The term “reportable nonworking time” means any time—

(A) during which an employee is not working; and

(B) for which the employee receives from the Department or an individual or entity

employing the employee standby pay or any other form of payment or compensation from Department provided funds.

(b) REPORTS.—

(1) ANNUAL REPORT TO THE SECRETARY.—Not later than 60 days after the last day of each fiscal year, each individual or entity that receives Department provided funds under this Act or any other law during that fiscal year shall submit to the Secretary a report describing all reportable nonworking time of the employees of the individual or entity during that fiscal year, including, with respect to each project associated with that reportable nonworking time—

(A) the name and location of the project;

(B) the number of employees compensated for reportable nonworking time;

(C) the reason why each such employee was not working;

(D) the quantity of reportable nonworking time for which each such employee was compensated; and

(E) the amount of Department provided funds expended to compensate each such employee for reportable nonworking time.

(2) ANNUAL REPORT TO CONGRESS.—Not later than 90 days after the last day of each fiscal year, the Secretary shall submit to Congress a report describing—

(A) the information submitted to the Secretary under paragraph (1); and

(B) all reportable nonworking time of the employees of the Department during that fiscal year, including information pertaining to—

(i) each of the matters described in subparagraphs (B) through (E) of paragraph (1); and

(ii) if the reportable nonworking time is associated with a project, the name and location of the project.

(c) GUIDANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary, in consultation with the Director of the Office of Management and Budget, shall issue guidance to assist individuals and entities in determining whether an employee—

(1) is not working for purposes of subsection (a)(3)(A); and

(2) has received payment or compensation from Department provided funds for purposes of subsection (a)(3)(B).

SA 2437. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2092, strike line 18 and all that follows through page 2093, line 10, and insert the following:

(8) COVERED POPULATIONS.—The term “covered populations”—

(A) means—

(i) individuals who live in covered households;

(ii) aging individuals;

(iii) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;

(iv) veterans;

(v) individuals with disabilities;

(vi) individuals with a language barrier, including individuals who—

(I) are English learners; and

(II) have low levels of literacy;

(vii) individuals who are members of a racial or ethnic minority group; and

(viii) individuals who primarily reside in a rural area; and

(B) does not include aliens who are not lawfully present in the United States.

SA 2438. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1475, between lines 22 and 23, insert the following:

(D) conducting activities to demonstrate and scale up existing technologies and methods for recycling critical minerals at commercial scale, including materials used in computer hard drives;

On page 1475, line 23, strike “(D)” and insert “(E)”.

On page 1476, line 3, strike “(E)” and insert “(F)”.

On page 1476, line 7, strike “(F)” and insert “(G)”.

On page 1476, line 11, strike “(G)” and insert “(H)”.

On page 1476, line 14, strike “(H)” and insert “(I)”.

SA 2439. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40211(a) of division D, strike paragraphs (3) through (6) and insert the following:

(3) identifies areas in which the Department can effectively utilize the technical expertise of the Department to support the workforce activities of other Federal agencies; and

(4) develops plans to support and retrain displaced and unemployed energy sector workers.

In section 40211(b) of division D, strike paragraph (2) and insert the following:

(2) REQUIREMENT.—The Board shall include not more than 2 representatives of a labor organization with significant energy experience, each of whom shall be nominated by a national labor federation.

In section 40211(b)(3) of division D, strike subparagraphs (D) through (F) and insert the following:

(D) energy workforce development or apprenticeship programs of States or units of local government; or

(E) relevant organized labor organizations.

In section 40211(c)(1), strike subparagraph (C) and insert the following:

(C) identify ways in which the Department and National Laboratories can—

(i) increase outreach to institutions of higher education;

(ii) increase outreach to displaced and unemployed energy sector workers; and

(iii) make resources available to provide training to displaced and unemployed energy sector workers to reenter the energy workforce; and

In section 40211, strike subsection (e) and insert the following:

(e) OUTREACH TO VETERANS AND DISPLACED AND UNEMPLOYED ENERGY WORKERS.—In developing the strategy under subsection (a), the Board shall—

(1) give special consideration to increasing outreach to institutions of higher education, veterans, and displaced and unemployed energy workers;

(2) make resources available to—

(A) institutions that serve veterans, with the objective of increasing the number veterans in the energy industry by ensuring that veterans have the credentials and training necessary to secure careers in the energy industry; and

(B) institutions that serve displaced and unemployed energy workers to increase the number of individuals trained for jobs in the energy industry;

(3) encourage the energy industry to improve the opportunities for students of higher education institutions, veterans, and displaced and unemployed energy workers to participate in internships, preapprenticeships, apprenticeships, and co-operative work-study programs in the energy industry; and

(4) work with the National Laboratories to increase the participation of students, veterans, and displaced and unemployed energy workers in internships, fellowships, training programs, and employment at the National Laboratories.

SA 2440. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike title II of division H.

SA 2441. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 90005.

SA 2442. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. 23. EXEMPTIONS FOR COVERED FARM VEHICLES.

Section 32934 of MAP-21 (49 U.S.C. 31136 note; Public Law 112-141) is amended—

(1) in subsection (a), by adding at the end the following:

“(6) Any requirement relating to registration under section 31134 of title 49, United States Code, including any requirement relating to a USDOT number under that section.

“(7) Any requirement relating to registration under the unified carrier registration agreement (as defined in section 14504a(a) of title 49, United States Code).”;

(2) in subsection (b)—

(A) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) in paragraph (2), by striking “Paragraph (1)” and inserting “Subparagraph (A)”;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(D) by inserting before subparagraph (A) (as so designated) the following:

“(1) FEDERAL TRANSPORTATION FUNDING.—”;

and

(E) by adding at the end the following:

“(2) IFTA REQUIREMENTS.—A covered farm vehicle and the individual operating that covered farm vehicle shall be exempt from any requirement relating to a license under the International Fuel Tax Agreement (as defined in section 31701 of title 49, United States Code).”; and

(3) in subsection (c)(1)(B), by striking “26,001” each place it appears and inserting “36,001”.

SA 2443. Mr. CARDIN (for himself, Ms. MURKOWSKI, Mr. SULLIVAN, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

SEC. 90. SMALL BUSINESS CONTRACTING.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “covered procurement” means a procurement that the Administrator determines—

(A) is in a quantity or of an estimated dollar value which makes the participation of a small business concern as a prime contractor unlikely;

(B) in the case of a procurement for construction, seeks to bundle or consolidate discrete construction projects; or

(C) is a solicitation that consolidates procurement requirements for goods or services, 1 or more of which were previously provided or performed by a small business concern for any Federal agency, into a solicitation of offers for a single contract, agreement, or order that is likely to be unsuitable for award to a small business concern; and

(3) the terms “Federal agency” and “small business concern” have the meanings given